

REMARKS

Reconsideration and allowance of the present application are respectfully requested. Claims 1-3, 6-17, and 20-42 are pending. Claims 1-3, 6-13, 15-17, 20-23, 25-27, 29-35, and 37-42 have been amended to more clearly recite Applicants' invention. No new matter has been added.

In the Office Action, claims 1 and 2 were rejected under 35 U.S.C. §102(b) as being anticipated by Japanese reference 61-12422 ("JP '422"). Applicant respectfully traverses this rejection.

Independent claim 1 recites a combination of elements for a windshield assembly that includes, for example, at least one coupling member that enables the windshield panel to move between the operative position and two inoperative positions. The operative position lies between the two inoperative positions. The inoperative positions include both a forward position in which the windshield panel is displaced from the operative position in a direction facing a windward side of the windshield panel and a rearward position in which the windshield panel is displaced from the operative position in a direction facing away from the windward side of the windshield panels. In contrast, JP '422 teaches an inoperative position that includes a forward position only. (JP '422 at FIG. 9). Nowhere does JP '422 disclose or suggest (at least as far as the English abstract and drawings provide) that the inoperative position includes a rearward position in which the windshield panel is displaced from the operative position in a direction facing away from the windward side of the windshield panel. Accordingly, Applicant respectfully submits that claim 1 and the claims that depend therefrom are patentable over JP '422 and respectfully requests that the rejection be withdrawn.

In the Office Action, claims 1, 2, 6, 15, 16, 20, and 31 were rejected under 35 U.S.C. §102(b) as being anticipated by Wiley (U.S. Patent No. 4,379,584). Applicant respectfully traverses this rejection.

Independent claims 1 and 15 recite a combination of elements for a windshield assembly that includes, for example, at least one coupling member that enables the windshield panel to move between the operative position and two inoperative positions. The operative position lies between the two inoperative positions. The inoperative positions include both a forward position in which the windshield panel is displaced from the operative position in a direction facing a windward side of the windshield panel and a rearward position in which the windshield panel is displaced from the operative position in a direction facing

away from the windward side of the windshield panel. Like JP '422, Wiley only teaches an inoperative position that includes a forward position only. (Wiley at FIG. 3). Nowhere does Wiley disclose or suggest that the inoperative position includes a rearward position in which the windshield panel is displaced from the operative position in a direction facing away from the windward side of the windshield panel. Accordingly, Applicant submits that claims 1 and 15, and the claims that depend therefrom, are patentable over Wiley and respectfully requests that the rejection be withdrawn.

In the Office Action, claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over JP '422 in view of Sykora (U.S. Patent No. 3,819,226). Applicant respectfully traverses this rejection.

Claim 6 depends from claim 1. As explained above, claim 1 is patentable over JP '422. Sykora does not cure the deficiency noted above with respect to JP '422, because Sykora does not disclose or suggest, among other features, that the inoperative positions (of the windshield panel) include both a forward position and a rearward position in which the windshield panel is displaced from the operative position. Sykora merely discloses an attachment assembly for a snowmobile windshield which permits the windshield to be releasably snapped into place. (Sykora Abstract). Since Sykora does not cure the deficiency noted with respect to JP '422, Applicant respectfully submits that claim 6 is patentable over JP '422 in view of Sykora and respectfully requests that the rejection be withdrawn.

In the Office Action, claim 29 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wiley in view of JP '422. Applicant respectfully traverses this rejection as well.

Claim 29 depends from claim 15. As explained above, claim 15 is patentable over Wiley. JP '422 does not cure the deficiency noted above with respect to claim 15. JP '422 does not disclose or suggest that the inoperative position (of the windshield panel) includes a rearward position in which the windshield panel is displaced from the operative position in a direction toward the seat. As discussed above, JP '422 merely discloses an inoperative portion that includes a forward position. (JP '422 at FIG. 9). Accordingly, Applicant respectfully submits that claim 29 is patentable over Wiley in view of JP '422 and respectfully requests that the rejection be withdrawn.

In the Office Action, claim 30 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wiley in view of Sykora. Applicant respectfully traverses this rejection.

Claim 30 depends from claim 15. As explained above, claim 15 is patentable over Wiley. Sykora does not cure the deficiency noted above with respect to claim 15. Sykora

does not disclose or suggest that the inoperative positions (of the windshield panel) include a rearward position in which the windshield panel is displaced from the operative position in a direction toward the seat. Sykora merely discloses an attachment assembly for a snowmobile windshield which permits the windshield to be releasably snapped into place. (Sykora Abstract). Accordingly, Applicant respectfully submits that claim 30 is patentable over Wiley in view of Sykora and respectfully requests that the rejection be withdrawn.

In the Office Action, claims 32-34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Huston (U.S. Patent No. 5,816,757) in view of JP '422. Applicant respectfully traverses this rejection.

Independent claim 32 recites a method for transporting a vehicle. The method includes, for example, pivoting the windshield panel from an operative position into an inoperative position, wherein the inoperative position includes a rearward position in which the windshield panel is displaced from the operative position in a direction facing away from a windward side of the windshield panel such that the windshield panel is substantially horizontal. Nowhere does Huston disclose or suggest pivoting the windshield from an operative position to an inoperative position. As discussed above, JP '422 does not disclose or suggest that the inoperative position includes a rearward position in which the windshield panel is displaced from the operative position in a direction facing away from the windward side of the windshield panel. Accordingly, Applicant submits that claim 32, and claims 33 and 34 that depend therefrom, are patentable over Huston in view of JP '422.

In the Office Action, claims 35 and 36 were rejected under 35 U.S.C. §103(a) as being unpatentable over Huston in view of Wiley. Applicant respectfully traverses this rejection.

Independent claim 35 recites a combination of elements for an all-terrain vehicle that includes, for example, at least one coupling member that enables the windshield panel to move between the operative position and the inoperative position. The inoperative position includes a rearward position in which the windshield panel is displaced from the operative position in a direction facing away from a windward side of the windshield panel, wherein the windshield panel is substantially horizontal and adjacent the straddle-type seat. Nowhere does Huston disclose or suggest at least one coupling member that enables the windshield panel to move between the operative and the inoperative position. Nowhere does Wiley disclose or suggest that the inoperative position includes a rearward position in which the windshield panel is displaced from the operative position in a direction facing away from a windward side of the windshield panel, wherein the windshield panel is substantially

horizontal and adjacent the straddle-type seat. In contrast, as discussed above, Wiley teaches an inoperative position that is a forward position only. (Wiley at FIG. 3). Accordingly, Applicant respectfully submits that claim 35, and claim 36 which depends therefrom, are patentable over Huston in view of Wiley and respectfully requests that the rejection be withdrawn.

Applicant appreciates the Examiner's indication that claims 37-42 are allowed and that claims 3, 7-13, and 21-28 would be allowable if rewritten in independent form. However, in view of the above discussion, Applicant respectfully submits that all of the pending claims are in a condition for allowance and respectfully requests that the objection to claims 3, 7-13, and 21-28 be withdrawn.

Finally, Applicant respectfully points out to the Examiner that a number of changes were made to the claims. These changes were presented to correct grammatical inconsistencies, inconsistencies in the use of the word "said", and minor typographical omissions. None of these changes are presented in response to the Examiner's rejections. They are presented merely to improve the readability of the claims and, among other reasons, place the claims in condition for allowance. Accordingly, Applicant respectfully submits that none of these changes are intended to narrow the scope of the claims in any way.

All rejections and objections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited. If any point remains at issue which the Examiner feels may best be resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

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Please charge any fees associated with the submission of this paper to Deposit Account Number 033975, control number 86162-0284137. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,
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